Presum

App. F. IX-4

Previous References

1935.
(Med)

File No. 292—35
Serial Nos. 1—8

Later References.
Med. 87—39, Nos. 1—8
" Dep. 256/39.
" Dep. 257/39.
" 287-38 Sls 1-3.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eight

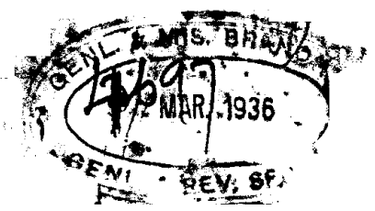
Part B for Nov., '39.

SUBJECT.

Registration and Control of Midwives and Dais

WD 0578—GPB—22,500—12-9-39

[redacted]ngalore
[redacted]dwives Dmais
[redacted] 1936.



Says that the draft of the Bangalore Midwives and Dmais Law 1936 is published in the Mysore Residency orders and that it will be taken into consideration after 15th April 1936. As there is no law at present to provide for the control of unqualified midwives and indigenous [redacted] in the C and M Station, it is necessary in the interests of the general [redacted] provide for such control by [redacted]. The proposed law is on the lines of the Madras Act (No.III of 1926) with modifications to suit local conditions.

D G M 4697

General and Revenue Secretariat — File No. 292 of 1935 — [App. F. III—2

Serial No.

Order of the Second Member of Council d 9-2-1936 on the abstract of Newspaper Intelligence d 5/3/1936 (Flag A)

=

1) (a) + (b) may be put up.

a) the Mysore Residency Orders relating to the Opn of the Bangalore Midwives & Dhangadi Hoders 1936

b) Madras Act III of 1926 relating to the Same subject

=

2) Send with a copy of the Residency orders referred to & a copy of the Madras Act III of 1926 (Pages 97-102)

Asst Sec 14/3/36

14/3/36

Flag W + Y

OFFICE OF THE SECOND MEMBER OF COUNCIL. 12 MAR 1936

II Member)

3) Has the question of adopting similar legislation in Mysore been considered?

MEM 14/3/36.

14/3

14/3

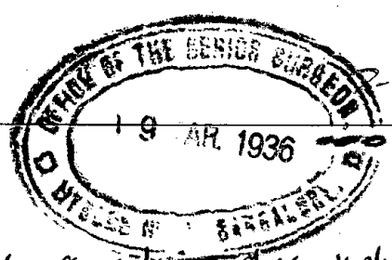
NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

D 4697

Enactm. Registration & Control of Midwives & Dhais

med File No. 292 of 1935. General and Revenue Secretariat



4) The question does not seem to have been considered.

Submitted with a draft covering letter.

Sd/ 17-3-36. 5) If approved, the file will be forwarded un-officially to the Senior Surgeon for stating whether there is any talk on the subject in the State and if not whether it is necessary to introduce a similar law in Mysore as the one proposed to be introduced in the C & M Station

C.S.
17/3/36

6) Yes - This was what the II Member was to talk to me on 14/3/36

I
18/3

7) Forwarded with compliments. R.O. to the Senior Surgeon for favour of remarks.

R.O.

B.P. Muthanna

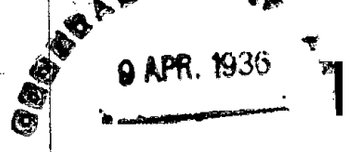
18-3-1936

Asst. Secy to Govt

W. 283/dd
dated 9-3-36

8) The question of adopting similar legislation in the Mysore State has not been taken up for the obvious reason that such a legislation could not be practically enforced in the State, as there are still many villages where trained Midwives are not available.

GFC. 227-1
8.4.36.



9) In Madras they have a legislation for the Registration of Midwives, Nurses and Dhais. A separate Council has been established for the purpose, and a register is

(4)

4697

Registration & Control of Midwives etc

General and Revenue Secretariat — Med File No. 292 of 1935. [App. F. III—2

Serial No.

14) Subd for perusal with reference to minute dated 14/3/36.
The Sr Surgeon's suggestion is practicable and may be adopted

Hw 9/4

9/4/36

Second Member)

OFFICE OF THE SECOND MEMBER OF COUNCIL. 9 APR. 1936 No. 7815

15) I am generally agreeable to the S-ls proposal. Before taking action however we may consult the Hon Secy, Dirs etcs & the Dpt of Health

Hw 11/4/36

16) Dft Hw 11/4 11/4/36

17) 16) Dft subd

Hw Cffs 14-4-36

18) For approval 14/4/36

18) Cesst Secy may kindly issue such letters himself Hw 14/4

Gen: Sy) 20) 15/4/36

GENERAL SECTION 14 APR. 1936

TYPING SECTION 15 APR. 1936 ENLARGEMENT SECTION

Issued: No. Sy-8661-2 dated 20/4/36

To The Hon. Secy. & Treasurer. The Indian Red Cross Society. Bdore.
.. Director of Health in Mysore.

Requests him to favour Govt. with his opinion in re: to the introduction of Legislation for the registration & Control of Midwives & Dhais in the Mysore State.

NOTE.—Contn. Sheet.

GRD. APR. 1936 GRD

WD 03594—GPB—30,000—18-7-35

REV.

b) Registration & Control of midwives & Dhias.

Medl File No. 292 4697 6137 of 1935-7

General and Revenue Secretariat

SECOND MEMBER OF GOVT.
28 MAY 1936
No. 9309

From the Hon'ble Sec'y and Treasurer
Indian Red Cross Soc'y Bangalore
to I R C.S.(077) dt 11.5.36

2

State that in the Senior Surgeon's view strongly commends themselves to the Committee and that of the proposed legislation is left optional some municipalities may be induced to try it and suggested to report on its working

From the Director of Health
Bangalore
to C.1946.2.d 20.5.36

State that he agrees with the opinion of the Senior Surgeon but that a legislation on the lines suggested by the Senior Surgeon may be made optional for any municipalities the State wishing to introduce it.

1) Refer the 2nd Member's minute at para 15 on the previous page and for perusal and orders. Action as in Senior Surgeon's note will now be taken if appd

26/5 Genl. Secy) 27/5/36

GENERAL
26 MAY 1936
875

Second Member)

2) May be taken up thence

For fav. of perusal
Dewan)

29/5/36

29/5

DEWAN'S OFFICE
1 JUNE 1936
No. 7413

3

1/6/36

1/6

6137

Registration & Control of Midwives, Nadiad in the State

General & Revenue Secretariat.

File No. Misc "A" of 1935

[App. F. III–2

Serial No.

25) Resubd as instructed at para 23 supra.

BSR 25/9/36

26) Resubmitted on 2.9.36

MW 25.8.36

2 - SEP. 1936

OFFICE OF THE COUNCIL OF MINISTERS 1936 1624

Resubd. 27) Referred to Sr. Surgeon Navsari above. Instructions are solicited by return as suggested by Sr Surgeon may be taken

BSR 2-9-36 MW

Genl Assy

MW 2.9.36

419

28)

Secd Number

29) Yes MW 8/9/36

MW 9/9

Note Put file may please be submitted to Sr. Surgeon also

A dft to the Sr Surgeon is put up

BSR 12-9-36 MW 30) For perusal before issue. This may be transferred to Protection Br for further action.

15 SEP. 1936 3-0

TYPING SECTION 21 SEP. 1936 GEN. & REV. SECTT.

Genl Assy 31) MW 14.9.36

32)

33)

MW 21/9

5936/p836 Registration & Control of Midwives & Dhias

D 4871

Med File No. 292 of 1935

General and Revenue Secretariat

No. 2004 Dt. 24/9/36

To The Senior Surgeon at Mysore.

Requests him (~~under to Government dated~~) to submit early a draft bill on the subject together with a statement of objects & reasons for consideration.

GRM 24/9/36

GEN. 25. SEP. 1936 GENL. & REV. SECT.

From the Sr Surgeon

Letter No CC 227-3 d 17-3-1937

Forwards a Draft Bill on the subject together with a Statement of objects and Reasons.

(33) Submd for orders with reference to paras 30 & 31 supra.

MM 6/4/37 (34) Perhaps a Copy of the Bill in force in the C & M. Station Bangalore may be obtained for perusal.

(35) A Dft calling for it is sent up.

MM 19.4.37 F/4 19/4

(36) Send To Printing Br for perusal

1/4/4

(37) The proposal is to ~~adopt~~ make an amendment on the lines of that in the C & M Stations & to make it applicable to such municipal areas

Serial No.

as are are willing to have it

The following changes are suggested in the draft Bill sent by the Senior Surgeon :-

1 (1) "Regulation" may be substituted for "Law".

For 1 (i) the following may be substituted :-

"(i) The Regulation shall extend only to such local areas as the Govt. may, by notification in the Official Gazette, direct*:

Provided that such notification shall not be made only after the local authority or authorities concerned have had an opportunity of expressing an opinion as to the desirability of such extension"

2 (c) — Definition of "Local Authority" is unnecessary and may be omitted, as

1* compare S 1 (2) of Regn. IX of 1921, Prevention of Adulteration Rules.

~~10~~)

Regulation for the registration and Control of Midwives.

(Rev) File No. 292 of 193 5

General and Revenue Secretariat

Serial No.

this term has been defined in the General clauses Regn. 1894

2 (a) In view of what is stated in S. 3 (VI) (a) the term entitled to registration or disqualification as "midwife" seems unnecessary & this sub-clause may be omitted

3 (ii) The scheme of the measure seems to be that registration is to be optional & so for the "subject" this word "entitled" may be substituted

4 (i) The words "registered under this Regn." may be inserted after "a midwife"

& It is perhaps necessary to add at the end of this clause "or (b) the municipal commissioners or the chief officer where there is such officer"

922/p/37 Regulation for the registration & control of midwives

1937 (14

General and Revenue Secretariat — Red File No. 292 of 1935 — [App. F. III-2

Serial No.

C

(46) Subd with a typed copy of the draft bill (with statement of objects & reasons), and the statement of financial principles. (with references).

by 9/8/37.

(47) If the draft bill & the financial principles are approved by secretariat, the papers have to be circulated to H.H.

(. Flag W is the law obtaining in the C & M States generally in Madras.)

9.8.37

L.S.G. Asst

(48) Law Section may be requested to communicate the Typed copy of the Bill and the Statement of Objects & Reasons, and accompanying Law as in force in the Cochin State from July 1937 before submission to member for approval.

10.8.37

From Br)

46 ✓ Law BNR 10.8

(49) The bill and the Statement of objects and reasons seem to be all right.

(50) A fine not exceeding Rs 50/- is prescribed for an offence under Section 12. In the law in force in C & M States, the fine under that Section extends upto Rs 250/-. It is a matter for consideration whether it is not desirable to provide in our Law also, for a fine extending to Rs 250/-.

BNR 17.8.37

Asst. Secy Gen Dept for WC

NOTE—Contn. Sheet.

D 4271 - 2330

Regulation for registration & control of midwives

Med File No. 292 of 193 5 | General and Revenue Secretariat

Serial No.

(51) Jour. vide.

Secy. Local Self Govt. 17 AUG. 1937 Govt. of Mysore.

L.S.G. Dept. 14.8.37

(52) For approval. Draft up to No 507 will meet the case

17/8/37

17 8 37

11 members)

Office of the Second Member of Council, 18 AUG. 1937 No 1433

(53) Has any practical action been taken in any municipality under Regulation VI of 1931 — Midwives and Dhaimats Registration / Regulation?

(54) The Statement of objects and reasons of the Bill which resulted in the Mysore Act of 1926 may be put up

21/8/37

23837

(54) Draft noted (re para 52).

A requisition has been sent to Record for taking further action in re para (53)

24/8/37

(55) Jour. 18.8.37

Typing Section, Genl. 25 AUG. 1937

Registration and Control of Midwives and Dayes

Serial No.

file.

(63) A reply to this office letter ~~No~~ dated 25-8-1937 is due from the Senior Surgeon.

Flag T.

5/2/38
7/2/38

If approved, the S-S will be consulted unofficially in regard to the inclusion of 'Nurses' in the proposed legislation, as to whether this may be included in the ~~proposed~~ bill under consideration or a separate bill would be necessary.

by 7/2

64) Yes.

65) Vide para 60 above. Action may be taken to get the St. John Ambulance Gazette separately. This information

8.2.38

A Copy

No. 287/Med
dated 9-2-38

66) Forwarded with compliments D.C.O. to the Senior Surgeon for favour of remarks.

for Secy to Govt

8.2.1938

The Correspondence noted from the Office given Reference ending with Letter dated 7.2.1938 from Note—Contn. Sheet. Sir M. V. Mehta of Bombay is also placed in the file

Bom 9/2/38 Bom 26/2 Returned for a separate file send to the Secy:

WD 0284—GPB—30,000—13-8-37

D 2549

Acts for the registration and control of Midwives & Dayees.

2549

General and Revenue Secretariat

File No. Med 292 of 1935.

G.C. 96-13 10.3.38.

67) Considering the fact that most of the trained nurses are in Government employ and there are very few who are making a living by private practice, it does not appear very necessary to introduce a registration Act for nurses, especially in view of the fact that it does not confer any benefit upon them. Moreover, the experience gained after the introduction of the Compounders and Chemists Regulation VI of 1931 is not very encouraging, as it is since ascertained that no Municipality has yet taken the necessary action to introduce this regulation within its jurisdiction.

68) But if the Government consider that legislation is necessary, it may be included in the proposed Act for the Registration of Midwives and Dais, a separate Register being maintained for qualified Nurses.

69) The introduction of the Act will have to be made optional to Municipalities wishing to introduce it.

S. Subbarao.
Senior Surgeon.

OFFICE OF SECOND MEMBER OF COUNCIL
11 MAR 1938
No. 6214

70) Refer paras 52 and 53. No action has been taken by any municipality under Reg VI of 1931.

Hag M.
Sy Surgeon
Delhi 1-3-38

71) The Statutory Rules & Orders is placed below.

W

72) The Surgeon considers Registration of nurses unnecessary at this stage. Regn of Dais or Midwives would serve no purpose.

10 3 38

(Member)

the Trained Nurses' Association of India exists for the following purposes.-

"(a) To uphold in every way the dignity and honour of the Nursing profession;

"(b) To promote a sense of esprit de corps among all nurses;

"(c) To enable members to take counsel together on matters affecting their profession;

"(d) To elevate nursing education by obtaining a better class of candidates;

"(e) To raise the standard of training;

"(f) To strive to bring about a more uniform system of education, examination and certification for trained nurses, both Indian and European; and

"(g) To arrange reciprocity between different Provinces, States and other countries."

There is also the Association of Nursing Superintendents amalgamated with it. There is again, Lady Minto's Indian Nursing Association, which extends its activities over the whole of India, and there are Provincial Nursing Associations in Bengal, Bombay and Madras.

(80) A third survey I would suggest is as regards the position of the question of registration, whether of nurses or of midwives, in Bengal, Bombay and Madras. Information on this head at present is very scanty. There is no general registration of nurses for India as a whole. The question of introducing an Act has been considered in Bombay, but I have been unable to trace whether the Act has been passed. Madras has an Act which provides for the registration of midwives, nurses and dhais. A

separate Council has been established for the purpose, and a register is maintained of all the registered individuals, and the advantage that the registration offers them is (1) that registered individuals only can hold Government appointments, and (2) that Government does not pay a subsidy to any rural medical practitioner who employs a dhai other than a registered one. The Civil and Military Station has an Act which makes it punishable for a non-registered midwife to practice habitually or for gain. In Coorg a proposal to introduce an Act on similar lines was rejected. The Senior Surgeon now proposes to introduce legislation on similar lines and to make it optional for Municipalities to introduce it, but points out that no Municipality has taken advantage of a similar procedure adopted in the case of chemists and druggists.

(81) Subject to what those who are much better qualified to speak on the subject than I may advise, I would venture to suggest that the first series of measures to be taken in the matter are measures tending to develop the profession, to improve its status and to encourage women to enter ~~upon~~ it, and that it would be well that this should precede any action in the direction of registration and restriction. In fact I should hope that the latter would come about in the course of a few years, in the first instance on a voluntary basis, as a natural result of the improvement in the status of the profession. To develop this in more detail I would suggest that the stages of the action to be taken should be somewhat as follows:-

(1) To call a conference of all the Nursing Superintendents and senior nursing sisters in the State, together with other ladies and gentlemen interested, to discuss the question in all its aspects and pool the knowledge available to the members of the Conference;

(2) Subject to the advice of the Conference to set to work on a survey of the existing numbers in the State, both

~~as regards~~ of qualified and unqualified, nursing superintendents, nurses and midwives;

(3) To form an association for nurses and another for midwives.

(82) Of these, the former might or might not, as the Conference would advise, be a branch of the Trained Nurses' Association of India. The latter ~~will~~ would be based upon the Institute for Midwives at the Vani Vilas Hospital, Bangalore. In this connection it may be well to consider the advantages that might be offered as inducements to nurses and midwives to enrol themselves as members of this Associations. One such advantage would be the establishment of homes for sisters such as have been established in six Provinces in India by the Rama Minto's Nursing Association, and the establishment of recreation clubs. Another might be the establishment of a provident fund for the members of the Associations, as in Bombay. It would be for consideration whether the function of examining and granting certificates to nurses and midwives might be delegated to the nurses Association. The Association might certainly maintain a Register, provided it undertook to strike off it any members who were guilty of improper practices. The Association might also act as a liaison between private individuals requiring nurses and nurses on the rolls who were not in continuous employment. It is to be hoped that, if associations of this sort ~~can~~ could be satisfactorily developed, Government regulation and registration would follow in due course. In fact it would probably be prompted by the associations themselves, and this would be much better than having it imposed from outside.

D 4406 Med 292-35 / 22

Registration & Control of Midwives & Dhais

83 As the Trained Nurses' Association of India are to hold their annual meeting in Mysore in November next, it seems very desirable that, if the proposed survey of the whole situation is approved, it should be undertaken without any delay and that, if possible, at least a nursing association should be got into working order before November, some representatives of which should be prepared to place well considered proposals on the whole subject before the All India meeting. The question will no doubt arise as to the agency by which the survey is to be made. The only suggestion that I can make on this head is that it should be undertaken as one of his first duties by the Assistant Surgeon who is to be appointed as Honorary Secretary to the State Branch of the Indian Red Cross Society.

OFFICE OF THE SECOND MEMBER, EXECUTIVE COUNCIL,
26 MAR 1938
No. 7173

G. Subramaniam
Private Secretary to
H.H.the Maharaja of Mysore.
23-3-1938.

BV.

26.3.38

To member I

(84) S.S may be further consulted as to the steps that may be taken in pursuance of the suggestions made above

No. 3087 Med dated 29-3-38

29/3/38

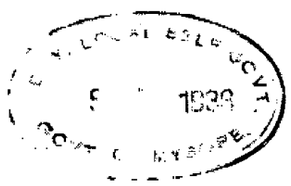
(85) Forwarded with compliments to Asst Surgeon in Mysore.

Asst Surgeon
29.3.38

Formation of an Association of Nurses and other allied questions 4406 (28

General and Revenue Secretariat | File No. Red 292 of 1935 | [App. F. III—2

Serial No.



the Red Cross Society may be perhaps be consulted about the Survey being taken up by the new Secretary

Secy. (Hy.) Cpl 24/4

(93) Forwarded with compliments to the Chairman, Indian Red Cross Society, Western Branch, Bombay, for perusal and favour of early return.

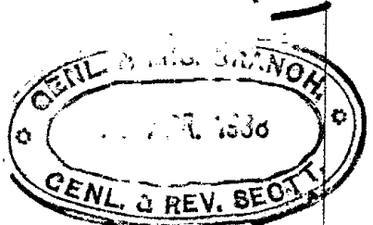
for Secretary to Government

27/4/38 Cpl

93) This may await the return of the Secy. who has taken charge.

Sus 29/4-38

for Secy 27/4/38 93



94) Recommitted for orders. Mr. S.V. Bahgirathi Iyengar has been appointed the Secretary of the Mysore Branch of the Red Cross Society & has entered upon his duties. (Refer paras 88, 89 & 93)

Jam 2/9/38 (95) The Chairman of the Red Cross Society may be communicated in regard to the Survey being taken up by the Secy. for orders.

3/9 Secy, S.V.P. Leg 5/9

96) Please put up draft letter to the Chairman

for 7/9/38

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-3-37

Re Formation Jan Branches of Nurses.

28 4406 1823

File No. med 295 of 1935. General and Revenue Secretariat

97) Draft subs transmtl
Jan 6/99) Secy, L.S.G.) 6/99
98 Jan 6/99
99) Jan 6/99.

GOVT OF MYSORE
6. SEP. 1935
6. SEP. 1935
GENL & REV. SECTT.

No. G. 2410 Dy. 12/9/38.

The Chairman of the Mysore State Br. of the Indian Red Cross Society. Mysore State Br. Bore.

Requests him to favour Govt. with his views as to whether the survey work may be entrusted to the Secy. of the Mysore State Br. of the Indian Red Cross Society.

From Chairman, Indian Red Cross Society State Branch Jus 11/9
No. I.R.C.S 2010 d 27.9.38

GENL & REV. SECTT.

Suggests that survey work of nurses etc may be done by the Medical Deptt Bs Boards, Municipalities and Amildars Subd for orders if the Senior surgeon may be requested to arrange for a survey. This will naturally take some time. After

(1

Appendix F G—1]

3 cdes with 2 cdes of S.S. Req. Noti

SUBJECT.....

.....

.....

Section Med.

File No. 292-35

Serial No. 1

Diary No. of letter replied to..... 4697

No. 8601-2 Enq.

To

(1) The Hon. Secretary & Treasurer
The Indian Red Cross Society
Mysore State Branch
Bangalore

(2) The Director of Health in Mysore

General and Revenue Secretariat

( )

the *193*

Date of issue..... 10/4/36

Signed by 15/4

Sir,

In forwarding herewith copy of an extract containing the opinion of the S. S in Mysore re introduction of legislation for the registration & Control of Midwives & Dhais in the Mysore State, I am directed to request you to be so good as to favour Govt with your opinion in the matter. An early reply is requested.

I have

List of enclosures.....

Copied by 10/4

Examined by.....

14/4/36 Asst Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

(2

No. 8601-2

Dated, Bangalore, 16th April 193 6.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To (1) The Hon: Secretary & Treasurer,
The Indian Red Cross Society, Mysore State Branch,
Bangalore.
(2) The Director of Health in Mysore.

Sir,

In forwarding herewith copy of an extract containing the opinion of the Senior Surgeon in Mysore regarding introduction of Legislation for the registration and control of Midwives and Dhais in the Mysore State, I am directed to request you to be so good as to favour Government with your opinion in the matter.

An early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

Fair Draft.

TSS.

(3

EXTRACT.

Legislation for the registration & Control of Midwives & Dhais in the State.

The question of adopting similar legislation in the Mysore State has not been taken up for the obvious reason that such a legislation could not be practically enforced in the State as there are still many villages where trained Midwives are not available.

In Madras they have a legislation for the Registration of Midwives, Nurses and Dhais. A separate Council has been established for the purpose, and a register is maintained of all the registered individuals, and the only advantage that such registration offers them is
(1) that registered individuals only can hold Government appointments and (2) that Government does not pay a subsidy to any Rural Medical Practitioner who employs a Dhai other than a registered one.

The only penalty prescribed in the Act is, that any unregistered persons, who take up or use the name of a Registere individual shall be liable to a fine. But apart from this advantage, there is nothing in the Act to prevent the unqualified, and unregistered individuals from practising. There is no provision in the regulation by which such persons can be brought to account for any mishandling of cases. Thus, it will be kindly seen that the more important question of the prevention of practice by the unregistered individuals is lef untouched in the Madras Regulation.

But in the proposed Regulation in the Civil and Military tation they have gone a step further by introducing Section which lays down that "no woman, unless she is registered under this Law shall attend any woman in child birth, habitu ly or for gain". Though even here, the words "habitually or for gain" have no definite definition, and may be stretched about practically all cases attended to by such individuals,

(4

yet, this is a decided advance over the Madras Act so far as it goes. But how far it can be practically enforced even in such a small area like the C & M. Station remains to be watched. Under Section (6), even close relatives of patient aged and experienced, would be liable to prosecution for attending to some emergency case at home, unless it is proved that such attendance was not habitual or for gain. But considering first that, Mysore is such a big State, and there are still many rural areas where a trained Midwife or a Nurse is not available for conducting labour cases, and secondly that there are still many people who for sentimental reasons prefer not to have anything to do with such qualified hands even if they are available it will be very difficult to enforce this particular provision in the State. And without this provision, there is no object gained in the enactment in as much as most of the trained Midwives, Nurses and Dhais are now in Government employ, and a very small number are practising in the Cities of Bangalore and Mysore.

Under such circumstances, the enactment of the Act would only work as a hardship as it would involve the payment of a Registration Fee, without any corresponding benefit. Further, the formation of a Council and the institution of periodical meetings would involve expenditure not justified by results.

I would suggest that instead of enacting this as a Law for the whole State, a legislation on the lines of the C&M Station Regulation may be made optional for any Municipality in the State wishing to introduce it within its local limits on the same lines, as Regulation VI of 1931 viz., the Compounders and the Chemists Registration Regulation. The Municipality may maintain a register and see how far this system could work and if after some experience it is found

P.T.O.

useful, the question of its extension to other parts of the State may receive consideration.

****

"Copy"

C. Ishwariah

For General Secretary to Government.

TSB.

INDIAN RED CROSS SOCIETY

(MYSORE STATE BRANCH)

GENL. & MIS. BRANCH.
5955
11 MAY 1936
GENL. & REV. SECT.

PATRON:
H. H. SRI KRISHNARAJA WADIYAR BAHADUR, G.C.S.I., G.B.E.
MAHARAJA OF MYSORE

PRESIDENT:
H. H. SRI KANTIRAVA NARASIMHARAJA WADIYAR BAHADUR,
YUVARAJA OF MYSORE G.C.I.E.

CHAIRMAN OF THE EXECUTIVE COMMITTEE:
SIR CHARLES TODHUNTER, K.C.S.I.

HON. SECRETARY & TREASURER:
RAJACHARITAVISARADA
RAO SAHIB C. HAYAVADANA RAO, B.A., B.L.

No. 1, MYSORE ROAD.

No. I.R.C.S. 1077

Bangalore City, 11th May 1936.

Med. 292-35-2

GENERAL BRANCH
11 MAY 1936

The General Secretary to Government
of H.H. the Maharaja of Mysore,
BANGALORE.

Sir,

With reference to your letter No. G.8-Med. dated 20th April 1936 enclosing copy of an extract containing the opinion of the Senior Surgeon in Mysore Re: introduction of legislation for the registration and control of midwives and Dais in the Mysore State, I have the honour to state that prima facie the Senior Surgeon's views strongly commend themselves to the Committee. If the proposed legislation is left optional some municipality may be induced to try it and requested to report on its working.

I have the honour to be,
Sir,
Your most obedient servant,

Hon: Secy. & Treasurer

C.L.:Bkm.

GOVERNMENT OF MYSORE

DEPARTMENT OF HEALTH.

Rm 613/(1)

P. PARTHASARATHY, L.M.S., B.S.Sc.,
L.R.C.P. & S., D.T.M., D.P.H.,
Director of Health.

Telephone No. 340

Telegram : HEALTH

"GRACE VILLE," PALACE ROAD,

Bangalore (S. India), Dated.....May 20.....193 6.

C 1946-2
Encl. -

Med. 292-35-3

FROM

P. PARTHASARATHY, ESQ., L.M.S., B.S.Sc., L.R.C.P. & S., D.T.M., D.P.H.,
Director of Health with the Government of
His Highness the Maharaja of Mysore,
Bangalore.

21 MAY 1936

To

Mr. Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government of
H. H. the Maharaja of Mysore, Bangalore.

SIR,

With reference to your letter No.G.8602-3/Med dated 16/20th April 1936, I have the honour to inform that I agree with the opinion of the Senior Surgeon. A legislation on the lines suggested by the Senior Surgeon may be made optional for any Municipality in the State wishing to introduce it. If any of these legal measures are expected to have effect sufficient number of trained Midwives should be made available so that untrained Dais may not have a chance in

attending to the needs of women in labour. It is necessary to work out the number of Midwives that will be required to meet the demand all over the State and arrange for the training of the required number within a definite number of years, encouraging the educated young women by giving them scholarships either by the District Boards and Municipalities or with the help of Government grants.

I have the honour to be,

Sir,

Your most obedient servant,

Director of Health.

BLVs

Appendix F G—1]

2 copies (7

SUBJECT.....

.....

.....

Section Med

File No. 292-35

Serial No. 4

Diary No. of letter replied to..... 6137

No. 2464

To

The Sr Surgeon

Sir

Date of issue..... 24.9.36

Signed by ..... Dr Nunes.

General and Revenue Secretariat

( )

the *193* .

With rebce to your No Note No G. C 227-1 dated 8-4-1936 re the enactment introduction of Legislation for the registration & Control of Midwives and Dhais in the State, I am directed to state that Govt agree with the opinion that legislation on the lines of the Civil & Military Station Regulation may be made optional for any Municipality in the State wishing to introduce it within its local limits, on the same lines as Rules VI of 1931, viz the Compounders & the Chemists' Registration Regulation - and the

Copy of Bill is enclosed for ready rebce

List of enclosures.....

Copied by .....

Examined by.....

promptly required to maintain
a register to see how far this
system could work.

I am ~~to act~~ accordingly to
request you to submit such
a Draft Bill as may be drafted
together with a statement of ~~the~~
objects and reasons for ~~the introduction~~
~~of same~~ Coordinator

Yours
[illegible]
~~Yours~~ Yours
[illegible]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

(11)

No. G 2004/454

Dated, Bangalore, 22nd September 1936

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Senior Surgeon in Mysore,
Bangalore.

Sir,

With reference to your unofficial note No.G.C.227-1 dated 8th April 1936, regarding the introduction of Legislation for the registration and control of Midwives and Dhais in the State, I am directed to state that Government agree with your opinion that legislation on the lines of the Civil and Military Station Regulation may be made optional for any Municipality in the State wishing to introduce it within its local limits, on the same lines, as Regulation VI of 1931, viz., the compounders and the Chemists ~~Regulation~~ Registration Regulation, and the Municipality required to maintain a register to see how far this system could work.

Offr Bell is best up for reference & return

I am accordingly to request you to submit, early, a draft bill on the subject, together with a statement of objects and reasons, for consideration.

I have the honor to be,
Sir,
Your most obedient servant,

23.9.36

for General Secretary to Government.

Jain Offr
Bdl

S.R.2

G93

MYSORE MEDICAL DEPARTMENT.

Med. 292-35-5

Telephone No 215.

OFFICE OF THE SENIOR SURGEON IN MYSORE, (17

No. G.C. 227-3.

Encl. one

Bangalore, dated the 17-3 *193*.

GEN. & MIS. BRANCH. 4271 MAR. 1937 GENL. & MISCL. SECTT.

FROM

SASTRAVAIDYAPRAVINA
S. SUBBA RAO, ESQ., B.A., M.B.C.M., M.R.C.S. (Eng.), L.R.C.P., D.P.H.,
Senior Surgeon with the Government of H. H. the Maharaja of Mysore.

SECRETARY

G 19 MAR 1937

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Sir,

With reference to your letter No.G.2004/Med.292-35-4 dated the 24th September 1936 regarding the introduction of Legislation for the Registration and Control of Midwives and Dhais in the State, I have the honour to forward herewith a draft bill on the subject with a statement of objects and reasons for the consideration of Government.

I have the honour to be,

Sir,

Your most obedient servant,

S. Subba Rao

Senior Surgeon.

Statement of Objects and Reasons.

Legislation providing for the registration and control of qualified Midwives and indigenous Dhais has been introduced in British India, and it is necessary in the interest of the general public to provide for such control by legislation in the Mysore State. The facilities provided for the training of midwives in the several medical institutions in the State, and the large number of such qualified midwives available have rendered necessary the introduction of this legislation necessary added new force to this desire, and this bill is therefore now introduced.

The proposed Bill is based on the lines of the Madras Act (No.III of 1926), and its main object is to provide for the maintenance of an authoritative register so as to enable the public in general and the less informed section thereof in particular to find out who are the properly qualified midwives and indigenous Dhais, and those who are not so qualified.

Bill for the registration of and control of Midwives

Pre-amble.

Whereas it is expedient to provide for the registration and control of midwives and Dhais in Mysore, it is hereby enacted as follows:-

Regulation 1. (i) This Law may be called the Mysore Midwives and Dhais Regulation of 19.....

(ii) It extends to the whole of Mysore such local areas as the Government may by notification in the Official Gazette, direct

Definitions

Regulation 2. In this Law, unless there is anything repugnant in the subject or context:

(a) "Dhai" means an untrained woman practising the profession of Midwifery.

(b) "Midwife" means a woman who has been trained in the art of Midwifery in any recognised medical institution and possesses a diploma from a recognised authority for having undergone a course and passed an examination.

(b) "Local Authority" means the Municipal Council, in which this regulation is in force for the time being, having been published by notification to that effect in the official Gazette by the Government.

(c) "Prescribed" means 'prescribed by rules or by-laws made under this Law'.

provided that such notification shall be made only after the local authority or authorities concerned have had an opportunity of expressing an opinion as to the suitability of such extension

ment.
er submitting the cases to Government.
rom month to month.

ght up-to date each month.
being omitted, and new Serial Nos. entered.

WD 03610—GPB—3,750—14-11-35

e pending	Remarks
6	7

(14

(e) "Register" means 'a register maintained under Section 3' and 'Registered' means 'registered in accordance with the provision of that section'.

Registration of Midwives and Dhais.

3. (i) The Local authority shall maintain a register of midwives and a register of Dhais separately.

(ii) The following persons shall be subject to registration under this Law:-

(a) Midwives who have undergone a course of training and practical instruction for one year in midwifery and Gynaecology in a Maternity Hospital maintained by Government or approved by them for the purpose, and have passed a qualifying examination and obtained a certificate in midwifery, or who possess such other qualifications as may be prescribed by the Government.

(b) Dhais who have been practicing the profession of midwifery for a period of at least 5 years previous to the passing of this bill.

(c) Any person who is already registered under the provisions of the British Midwives Act 1902, the Madras Nurses and Midwives Act 1926, or any other Law which may be declared by Government as equivalent thereto.

Removal and Restoration of Name.

4. Subject to such conditions and in such manner as may be prescribed by Government, the Local authority may remove the name of any midwife or Dhai from the Register or restore thereto the name of any midwife or Dhai which has been removed.

Appeal against Local Authority.

5. Any midwife or Dhai aggrieved by an order of the Local authority may within three months from the date on which notice of such order is ~~given~~ served on her, appeal against the order to the Government ~~of Mysore~~, and the Government shall give such direction as it thinks proper, and the Local authority shall comply with any directions so given.

Penalty for practicing midwifery by an unregistered person.

6. (i) No woman, unless she is registered under this ~~law~~ shall attend on any woman in child birth, habitually and for gain.

(ii) If, after the expiry of a period of 6 months or such further period as, by notification in the ~~Government~~ Official Gazette, the Government may fix, any woman contravenes the provisions of sub section (1), she shall

(15

shall on conviction, be liable to a fine not exceeding Rs.50.

Penalty for failure to report child birth.

7. (i) In every case in which a midwife or Dhai registered under the Regulation conducts a child birth, she shall report the fact within 24 hours of the birth to the Registrar of Births and Deaths in the form prescribed by the Local authority.

(ii) Whoever fails to report child birth in contravention of Sub section (1) shall be punishable with fine not exceeding Rs.10.

Delegation of powers to the President.

8. The Local authority may delegate its powers, except the powers to make by-laws, to the President, Municipal Council, or the Municipal Commissioner or the Chief Officer, where there is such an officer of the place in which this ~~law~~ Regulation is in force.

Power of the Government to make rules.

9. The Government ~~of Mysore~~ may after previous publication in the official Gazette, make rules not inconsistent with this ~~Law~~ Regulation, for the purpose of carrying out all or any of the objects and purposes thereof.

Power of Local authority to make By-laws.

10. (i) The Local authority may make by-laws not inconsistent with the provisions of this or any other ~~law~~ Regulation or the rules made thereunder:-

(a) for regulating the compilation, maintenance and publication of the register showing the names of registered midwives and Dhais with their residential addresses,

(b) for regulating the conditions of admission to the register,

(c) for prescribing the causes for which, the conditions under which, and the manner in which midwives and Dhais may be removed from the register and the procedure for the restoration to the register of mddwives and Dhais who have been removed therefrom,

(d) for prescribing the rates of fees to be charged for registration,

(e) for the regulation and supervision of the practice of their profession by registered midwives and dhais.

(ii) No by-law made by the Local authority shall come into force until it has been confirmed by the Government ~~of Mysore~~.

(iii) Every such by-law shall when so confirmed, be published in the official Gazette.

11. In making any rule or by-law the Government ~~of Mysore~~ or the Local authority as the case may be, may provide that a breach of such rule or by-law shall be punishable with fine which may extend to Rs.50.

(16

Penalty for dishonest use of certificate for procuring registration by false means, and for falsification of certificate.

12. Any person who

(a) dishonestly makes use of any certificate of registration issued under the provisions of this ~~Law~~ Regulation to her or to any other person,

(b) procures or attempts to procure registration under the provisions of this ~~Law~~ Regulation by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provision of this ~~Law~~ Regulation,

shall be punishable with fine not exceeding Rs.50 or with imprisonment which may extend to six months, or with both.

Penalty for posing as registered midwife or dhai by a person who is not such.

13. Any person, who, not being a registered midwife or dhai, takes or uses the name or title of registered midwife or dhai, or uses any name, title, description, uniform, badge or sign board, implying that such person is a registered midwife or dhai, shall be punishable with fine not exceeding Rs.50 or with imprisonment which may extend to one month or with both.

Magistrates empowered to try offences under this Act.

14. No Magistrate other than a First Class Magistrate, shall take cognisance of or try any offence under this ~~Law~~ Regulation.

S. Subba Rao
Senior Surgeon.

(17

Explantory Note.

Section 3 (1). The Local Authority (which is the Local Municipal Council), shall maintain a register of Midwives an a register of Dhayis, and no person who is not registered either as a Midwife or Dhayi shall be competent to practice as Midwife or Dhayi.

Section 6. A person who is not registered as Midwife or Dhayi and who attends on any woman in child birth habitually or for gain shall, on conviction, be liable to a fine not exceeding Rs.50/-

Section 7. A Midwife or Dhayi who conducts child birth shall report the fact, within 24 hours of the birth to the Registrar of Births and Deaths.

Section 8. The Local Authority which in the Local Municipal Council may delegate its powers, except the power to make Byelaws, to the President of the Municipal Council.

Section 9. The Government of Mysore, may after previous publication in the Mysore Gazette, make rules for the purpose of carrying out all or any of the objects and purposes referred to in the Bill.

Sections 12 & 13. Imposes a penalty - fine of Rs.50/ or imprisonment up to 6 months or both, for distraint use of certificate for procuring registration by false means and for falsification of certificate and for posing as a registered Midwife or Dhayi by a person who is not such.

Section 14. A Magistrate, with powers of 1st Class is empowered to try offences under this Act.

(18

Appendix F G –1]

SUBJECT Enactment of legislation to provide for Registration & control of Midwives & Dhais in the State

Section Med

File No. 292-35

Serial No. 6

Diary No. of letter replied to 427 | No. G 1841

To

The Surgeon

General and Revenue Secretariat.

( )

the 193

Sir

With reference to your U.O Note No G.C 227-1 dt 8/4/36 on the above mentioned subject, I am directed to enquire if any practical action has been taken in any Municipality in the State under Regulation VI of 1931, viz. the regulation for the registration of Compounders and Chemists.

The favour of an early reply is requested,

I have

Date of issue 26/8/37.

Signed by Lt Nikis

List of enclosures.

Copied by 25/8

Examined by

Sec 5/8

Keep Local Govt Dept

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. G. 18241 Misc 29-2-35-6

Dated, Bangalore, 25th August 1937.

From

The Secretary to the Government of His Highness the Maharaja of Mysore.
L. S. G. Department.

To

The Senior Surgeon in Mysore,
Bangalore.

Sir,

Subject:- Legislation to provide for Registration and control of Midwives and Dhais in the State.

With reference to your Unofficial Note No. G.C.227-1, dated 8th April 1936, on the above mentioned subject, I am directed to enquire if any practical action has been taken in any Municipality in the State, under Regulation, VI of 1931, viz., the regulation for the registration of compounders and chemists.

The favour of an early reply is requested.

I have the honor to be,
Sir,
Your most obedient servant,

M. N. C. Sri Ramachar.

For Secretary to Government,
L. S. G. Department.

TRM.2

190 Med. 292-35-7

MYSORE MEDICAL DEPARTMENT.

(20

Telephone **No 215.** OFFICE OF THE SENIOR SURGEON IN MYSORE,

No. G.C.227-S
Encl.

Bangalore, dated the 4.9.1937.

FROM

6. SEP. 1937 GOVT.

SASTRAVAIDYAPRAVINA

S. SUBBA RAO, ESQ., B.A., M.B.C.M., M.R.C.S. (Eng.), L.R.C.P., D.P.H.,
Senior Surgeon with the Government of H. H. the Maharaja of Mysore.

GENL. & MIS. BRANCH
6 SEP 1937
1284
GENL. & REV. SECTT.

To

The Secretary to the Government of Mysore,
Local Self Government Department, Bangalore.

Sir,

With reference to your letter No.G.1841/Med.292-35-6 dated the 26th August 1937, I have the honour to state that the Regulation for the Registration of Compounders and Chemists was introduced and made optional in the case of Municipalities. No reports have so far been received in this office as to whether the Regulation has been introduced in particular Municipalities. I am addressing the Deputy Commissioners of Districts calling for detailed information on the subject and shall submit a further report to Government on receipt of replies.

I have the honour to be,
Sir,
Your most obedient servant,

S. Subba Rao.

Senior Surgeon.

659

MYSORE MEDICAL DEPARTMENT.

(21)

Med. 292-35-8

Telephone **No. 215**

OFFICE OF THE SENIOR SURGEON IN MYSORE,

No. G.C.9641

Encl.

Bangalore, dated the 1 3 *1938.*

FROM

SASTRAVAIDYAPRAVINA

S. SUBBA RAO, ESQ., B.A., M.B.C.M., M.R.C.S. (Eng.), L.R.C.P., D.P.H.,

Senior Surgeon with the Government of H. H. the Maharaja of Mysore.

To

The Secretary to the Government of Mysore,

Local Self Government Department, Bangalore.

Sir,

Adverting to the correspondence ending with your letter No.G.3075/Med.292-35-6 dated the 13th October 1937 enquiring whether any action has been taken under Regulation VI of 1931 in any Municipality in the State, I have the honour to state that from the replies received from the several Deputy Commissioners it is found that no action has been taken in any Municipality for the introduction of the Compounders and the Chemists Regulation in the State.

I have the honour to be,

Sir,

Your most obedient servant,

S. Subba Rao

Senior Surgeon.

2 Copies Com
signed by Secy

Appendix F G—1]

SUBJECT.....

.....

.....

Section ~~PH~~ Med

File No. 292-35

Serial No.

Diary No. of letter replied to 4406

No. G. 2410

To Dear Sir,

General and Revenue Secretariat

( )

the *193* .

Date of issue..... 12-9-38

Signed by ..... Sd. P.H.K.

~~In connection~~ ~~with the~~ ~~proposed~~ holding of the ~~All India~~ conference of the All India ~~Trained~~ Nurses Association at Mysore during November 1938, it is proposed to ~~conduct~~ a survey of the ~~existing numbers of the~~ ~~Graduates of Universities~~ ~~on Role of the~~ ~~both of~~ Qualified & unqualified, ~~of~~ nursing superintendents, Nurses & midwives. I am directed to request you to ~~be~~ so good as kindly favour ~~us~~ with your views as to whether the Survey could

existing numbers in the State (both of

List of enclosures.....

Copied by.....

Examined by.....

may

may be entrusted to the Secretary
of the Mysore State Branch of the
Indian Red Cross Society.

Yours sincerely
P.V.
Jan 6 35
(Sd) [illegible]

To
Rajamantra pravina Diwan Bahadur
K Mathan Esq B.A.
Chairman, Mysore State
Branch of the Indian Red Cross Society
Bangalore.

Jan
6/1

Med. 272-35

INDIAN RED CROSS SOCIETY

(MYSORE STATE BRANCH)

Fm 1823

PATRON:
H. H. SRI KRISHNARAJA WADIYAR BAHADUR, G.C.S.I., G.B.E.
MAHARAJA OF MYSORE

PRESIDENT:
H. H. SRI KANTIRAVA NARASIMHARAJA WADIYAR BAHADUR,
YUVARAJA OF MYSORE G.C.I.E.

CHAIRMAN OF THE EXECUTIVE COMMITTEE:
RAJAMANTRAPRAVINA DIWAN BAHADUR
K. MATTHAN, B.A.

HON. SECRETARY & TREASURER:
RAJACHARITAVISARADA
RAO SAHIB C. HAYAVADANA RAO, B.A., B.L.

No. 1, MYSORE ROAD

No. I.R.C.S. 2020 Bangalore City 27th Septr. 1938

Dear Sir,

I have to acknowledge receipt of your D.O. letter No.G.2410 Med. 292-35 dated 12th September 1938 on the subject of a survey of the number of Nurses, Midwives, &c. in the State. A survey of this kind is, as far as I can see, a matter of compiling statistics chiefly of the number of Nurses, Midives, etc. in respect of qualified persons in the service of Government, Municipalities and District Boards and private hospitals. This can most conveniently be undertaken by the Medical Department. In regard to qualified persons not in the regular Government or other service, that is, of those practising privately they are to be found mainly in Bangalore & Mysore Cities, the Kolar Gold Fields and perhaps, in some of the larger towns. The names and numbers of these can also, I believe, be most conveniently obtained by the Medical Department. As regards unqualified persons, especially unqualified Midwives, their number is very considerable, and an attempt may also be made to ascertain particulars of these through the Presidents of District Boards, Municipalities and the Amildars.

The result of a survey of this kind would be most useful to the Red Cross Society as furnishing materials for improvements to be effected in Nursing Service, &c. But the Secretary of the Indian Red Cross Society (Mysore State Branch) has hardly any facilities for conducting such a survey. As explained above this is chiefly a matter of collecting and compiling statistics, and can most conveniently be done by the Medical Department, District Boards and Municipalities and Amildars.

Yours sincerely,

K. Matthan

Chairman.

P.H. Krishna Rao, Esq., M.A.
Secretary to Government,
Local Self-Government Department,
Bangalore.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

(28

General and Revenue Secretariat

No. 9. 3360 Rev / Enc

Dated, Bangalore, 14th October 1938.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Local Self-Government Department.

To

The Senior Surgeon in Mysore,
B a n g a l o r e.

Sir,

I am directed to refer to your Un-official Note No.G.C. 96-15 dated 2nd April 1938 on the subject of registration and control of Midwives in the State and to forward herewith a copy of letter No.2020 dated 27th September 1938 from the -- Chairman, Indian Red Cross Society on the subject of a survey of the existing number of both qualified and unqualified Nursing Superintendents, Nurses and Midwives in the State both in and outside Government employ and to request in the circumstances that a survey may kindly be arranged to be conducted by the Medical Department in consultation with the District Boards, Municipalities and Amildars.

I have the honor to be,

Sir,

Your most obedient servant,

C. N. Srinivasa Char

For Secretary to Government
L.S.G.Department.

cn/2

Bill for the Registration and Control of Midwives

Statement of General Principles.

At present, there is no legislation in force in the Mysore State for the registration and control of Midwives.

Trained and qualified Midwives even where they are available, are not being freely made use of ~~to attend on women~~ in cases of labour and thus there is risk of danger to the health, and possibly ~~even lose of~~ to the life of women under motherhood by such cases being mishandled, ~~if~~ by untrained and unqualified women, ~~are permitted to do~~ doing the work of Midwives.

As, however, there are still many villages in the State where trained Midwives are not available, it will not be possible to introduce and enforce this legislation in the whole State, though such a step would be very desirable from the general stand point of public health.

The main object of the legislation is to provide for the maintenance of an authoritative register ~~showing who are~~ of properly qualified midwives and indigenous Dhayis. ~~As a first step, Legislation on the lines of similar legislati in force in the Civil and Military Station, Bangalore), is proposed to be enacted, and this~~ and to prevent the practice of midwifery by unqualified persons in areas to which the law is extended will be optional in the case of any Municipality in the State ~~willing~~ to introduce ~~it~~ the law within its jurisdiction on the same lines as Regulation VI of 1931, i.e., the compounders' and the Chemists' Registration Regulation. The Municipality ~~concerned should~~ Council will be required to maintain a register of Midwives and indigenous Dhayis and ~~see how far this system could work~~. watch the effect of this legislation. If, ~~after experience it is found useful~~ the experiment proves a success, the question of its extension to ~~the~~ other parts of the State will be taken up for consideration.

W

This may perhaps be omitted as unnecessary

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Statement of Objects and Reasons.

Legislation providing for the registration and control of qualified Midwives and indigenous Dhais has been introduced in British India, and it is necessary in the interest of the general public to provide for such control by legislation in the Mysore State. The facilities provided for the training of midwives in the several medical institutions in the State, and the large number of such qualified midwives available have rendered the introduction of this Legislation ~~necessary~~ feasible.

The proposed Bill is based mainly on the lines of the Madras Act (No.III of 1926) and its main object is to provide for the maintenance of an authoritative register so as to enable the public in general, and the less informed section thereof in particular, to find out who are the properly qualified midwives and indigenous Dhais, and those who are not so qualfified.

Bill for the Registration and Control of Midwives.

Preamble. Whereas it is expediant to provide for the registration and control of midwives and dhais in Mysore, it is hereby enacted as follows: -

Short Title and extent. 1. (i) This Regulation may be called the Mysore Midwives and Dhais Regulation of 19

(ii) It extends to such local areas as the Government may, by notification in the Official Gazette, direct.

(31

Definitions. Provided that such notification shall be made only after the local authority or authorities concerned have had an opportunity of expressing an opinion as to the suitability of such extension.

Definitions. 2. In this Regulation unless there is anything repugnant in the subject or context:

(a) "Dhai" means an untrained woman practising the profession of Midwifery.

(b) "Local Authority" means the Municipal Council, ~~in which~~ to whose jurisdiction this regulation is ~~in force~~ extended for the time being, ~~having been published~~ by notification ~~to that effect~~ in the official Gazette by the Government.

(c) "Prescribed" means "prescribed by Rules or By-laws made under this Regulation.

(d) "Register" means "a register maintained under Section 3" and "Registered" means "registered in accordance with the provision of that section"

Registration of Midwives & Dhais. 3. (i) The Local Authority shall maintain a register of midwives and a register of dhais ~~respectively~~. separately.

(ii) The following persons shall be entitled to registration under this Regulation.

(a) Midwives who have undergone a course of training and practical instruction for one year in midwifery and gynaecology in a Maternity Hospital maintained by Government or approved by it for the purpose, and have passed a qualifying examination and obtained a certificate in midwifery, or who possess such other qualifications as may be prescribed by the Government.

(b) Dhais who have been practicing the profession of midwifery for a period of at least

(32

least 5 years previous to the passing of this Regulation.

(c) Any person who is already registered under the provisions of the British Midwives Act 1902., the Madras Nurses and Midwives Act 1926, or any other Regulation which may be declared by Government as equivalent thereto.

Removal and Restoration of Name.

4. Subject to such conditions and in such manner as may be prescribed by Government, the Local Authority may remove the name of any midwife or dhai from the register or restore thereto the name of any midwife or Dhai which has been removed.

Appeal against Local Authority.

5. Any midwife or Dhai aggrieved by an order of the Local Authority may, within three months from the date on which notice of such order is served on her, appeal against the order to the Government, and the Government shall give such direction as it thinks proper, and the local authority shall comply with any directions so given.

Penalty for practicing Midwifery by an unregistered person.

6. (i) No woman, unless she is registered under this Regulation shall attend on any woman in child birth, habitually and for gain.

(ii) If, after the expiry of a period of 6 months or such further period as, by notification in the official Gazette, the Government may fix, any woman contravenes the provisions of Section Sub-section, (1) she shall on conviction, be liable to a fine not exceeding Rs. 50/-

Penalty for failure to report child birth.

7. (i) In every case in which a midwife or Dhai registered under the Regulation conducts a child birth, she shall report the fact within 24 hours of the birth to the Registrar of Births and

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Deaths in the form prescribed by the Local Authority.

(ii) Whoever fails to report child birth in contravention of Sub Section (1) shall be punishable with fine not exceeding Rs.10/-

Delegation of powers to the President.

8. The Local Authority may delegate its powers, except the powers to make bye-laws, to the President Municipal Council or the Municipal Commissioner or the Chief Officer, where there is such an officer of the place in which this Regulation is in force.

Power of the Government to make rules.

9. The Government may after previous publication in the official gazette, make rules not inconsistent with this Regulation for the purpose of carrying out all or any of the objects and purposes thereof.

Power of Local Authority to make By-laws.

10. (i) The Local Authority may make bye-laws not inconsistent with the provisions of this or any other Regulation or the Rules made thereunder:—

(a) for regulating the compilation, maintenance and publication of the register showing the names of registered midwives and dhais with their residential addresses.

(b) for regulating the conditions of admission to the register.

(c) for prescribing the causes for which, the conditions under which, and the manner in which midwives and dhais may be removed from the register and the procedure for the restoration to the register of midwives and dhais who have been removed therefrom.

(d) for prescribing the rates of fees to be charged for registration,

(e) for the regulation and supervision of the practice of their profession by registered midwives and dhais.

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(ii) No bye-law made by the Local Authority shall come into force until it has been confirmed by the Government.

(iii) Every such bye-law shall, when so confirmed be published in the official Gazette.

Penalty for breach of rules or bye-laws

11. In making any rule or bye-law the Government or the Local Authority as the case may be, may provide that a breach of such rule or bye-law shall be punishable with fine which may extend to Rs.50/-.

Penalty for dishonest use of certificate for procuring registration by false means, and for falsification of certicate,

12. Any person who

(a) dishonestly makes use of any certificate of registration issued under the provisions of this Regulation to her or any other person.

(b) procures or attempts to procure registration under the provisions of this Regulation by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provision of this Regulation,

shall be punishable with fine not exceeding Rs.50 or with imprisonment which may extand to six months, or with both.

Penalty for posing as registered midwife or Dhai by a person who is not such.

13. Any person, who, not being a registered midwife or dhai, takes or uses the name or title of registered midwife or dhai, or uses any name, title, description, uniform, badge or sighboard, implying that such person is a registered midwife or dhai. shall be punishable with fine

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not exceeding Rs.50/- or with imprisonment which may extend to one month or with both.

Magistrates empowered to try offences under this Act.

No Magistrate other than a First Class Magistrate, shall take congnisance of or try any offence under this Regulation.

9/8/57

Bill No. 11 of 1924 for the Registration of Nurses and Midwives in the Presidency of Madras

(36)

STATEMENT OF OBJECTS AND REASONS.

Alike in the interests of the public, who must not be exposed to the risk of attendance by nurses and midwives who have no qualifications and in those of qualified nurses and midwives whose qualifications should be recognized, it is necessary that legislation is undertaken. Equally necessary it is that the qualified nurses and midwives are placed under some disciplinary control. Such legislation obtains not only in England but also in Burma and it is felt that the time has arrived for passing an enactment on similar lines in this Presidency.

This bill follows with slight modifications necessitated by local conditions the Burma Act on the subject, viz., Act X of 1922, which itself follows in the main the English Act, viz, the Nurses Registration Act, 1919.

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THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. 65, dated Bangalore, the 22nd June 1937.

The following notification of His Excellency the Crown Representative is republished :—

No. 107-I.B.

POLITICAL DEPARTMENT.

NOTIFICATION.

Dated Simla, the 10th June 1937.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following law for the registration of midwives and dhais in the Civil and Military Station of Bangalore : —

A LAW TO PROVIDE FOR THE REGISTRATION AND CONTROL OF QUALIFIED MIDWIVES AND INDIGENOUS DHAIS IN THE CIVIL AND MILITARY STATION OF BANGALORE

PREAMBLE.

Whereas it is expedient to provide for the registration and control of midwives and dhais in the Civil and Military Station of Bangalore, it is hereby enacted as follows :—

TITLE.

1. (i) This Law may be called the Bangalore Midwives and Dhais Law, 1937.

(ii) It shall extend to the whole of the Civil and Military Station of Bangalore.

DEFINITION.

2. In this Law, unless there is anything repugnant in the subject or context :

(a) 'Dhai' means an untrained woman practising the profession of midwifery.

(b) 'Local Authority' means the Municipal Commission, Civil and Military Station, Bangalore.

(c) 'Prescribed' means 'Prescribed by rules or bye-laws made under this law'.

(d) 'Register' means 'a register maintained under section 3' and 'registered' means 'registered in accordance with the provisions of that section'.

(e) 'the Resident' means the Resident in Mysore.

REGISTRATION OF MIDWIVES AND DHAIS.

3. (i) The Local Authority shall maintain a register of midwives and a register of dhais.

(ii) The following persons shall be entitled to registration under this Law, namely :

(a) Midwives who have undergone a course of training and instruction for one year in Midwifery and Gynæcology in a maternity hospital maintained by Government or approved by them for the purpose, and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualifications as may be prescribed by the Resident.

(b) Dhais who have undergone a course of training and instruction for one year in Midwifery and Gynæcology in a maternity hospital maintained by Government or approved by them for the purpose * * * and have passed a qualifying examination and obtained a certificate in midwifery * * * or who possess such other qualification as may be prescribed by the Resident.

(c) Any person who is already registered under the provisions of the British Midwives Act, 1902, the Madras Nurses and Midwives Act, 1926, or any other law which may be declared by the Resident as equivalent thereto.

REMOVAL AND RESTORATION OF NAME.

4. Subject to such conditions and in such manner as may be prescribed, the Local Authority may remove the name of any midwife or dhai from the register or restore thereto the name of any midwife or dhai which has been so removed.

APPEAL FROM LOCAL AUTHORITY.

5. Any midwife or dhai aggrieved by an order of the Local Authority may, within three months from the date on which notice of such order is given to her, appeal against the order to the Resident; and the Resident shall give such directions as he thinks proper, and the Local Authority shall comply with any directions so given.

PENALTY FOR PRACTISING MIDWIFERY BY AN UNREGISTERED PERSON.

6. (1) No woman, unless she is registered under this Law shall attend any woman in childbirth, habitually and for gain.

(2) If after the expiry of a period of one year or such further period as by notification in the *Residency Orders* the Resident may fix, any woman contravenes the provisions of sub-section (1), she shall on conviction, be liable to a fine which may extend to Rs. 50.

PENALTY FOR FAILURE TO REPORT CHILDBIRTH.

7. (1) In every case in which a midwife or dhai conducts a childbirth she shall report the fact within 24 hours of the birth to the Health Officer in the form prescribed by the Local Authority.

(2) Whoever fails to report childbirth in contravention of sub-section (1) shall be punishable with fine which may extend to Rs. 50.

DELEGATION OF POWERS TO THE PRESIDENT.

8. The Local Authority may delegate its powers, except the power to make bye-laws, to the President, Municipal Commission, Civil and Military Station, Bangalore.

POWER OF RESIDENT TO MAKE RULES.

9. The Resident may, after previous publication in the Official Gazette, make rules not inconsistent with this Law, for the purpose of carrying out all or any of the objects and purposes thereof.

POWER OF LOCAL AUTHORITY TO MAKE BYE-LAWS.

10. (i) The Local Authority may make bye-laws not inconsistent with the provisions of this or any other law or the rules made thereunder—

(a) for regulating the compilation, maintenance, and publication of the register showing the names of registered midwives and dhais with their residential addresses.

(b) for regulating the conditions of admission to the register.

(c) for prescribing the causes for which, the conditions under which, and the manner in which midwives and dhais may be removed from the register and the procedure for the restoration to the register of midwives and dhais who have been removed therefrom.

(d) for prescribing the rates of fees to be charged for registration.

(e) for the regulation and supervision of the practice of their profession by registered midwives and dhais.

(ii) No bye-law made by the Local Authority shall come into force until it has been confirmed by the Resident.

(iii) Every such bye-law shall, when so confirmed, be published.

PENALTY FOR BREACH OF RULES OR BYE-LAWS.

11. In making any rule or bye-law the Resident or the Local Authority, as the case may be, may provide that a breach of such rule or bye-law shall be punishable with fine which may extend to Rs. 50.

PANALTY FOR DISHONEST USE OF CERTIFICATE, FOR PROCURING REGISTRATION BY FALSE MEANS, AND FOR FALSIFICATION OF CERTIFICATES.

12. Any person who

(a) dishonestly makes use of any certificate of registration issued under the provisions of this Law to her or to any other person,

(b) procures or attempts to procure registration under the provisions of this Law by making or producing or causing to be made or produced any false or fraudulent declaration, certificate, or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Law,

shall be punishable with fine which may extend to two hundred and fifty rupees, or with imprisonment which may extend to six months, or with both.